

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – PR&RD Department – Sri H. Shivalingappa, AEE, PR of Zone-IV (now retired) – Worked on deputation basis in GHMC, Hyderabad – Continued on deputation beyond his terms without orders - Disciplinary proceedings initiated on allegation he has failed to report before the ENC (PR), Hyderabad and not given any requisition for his continuation to work in GHMC on deputation - Appointment of Inquiry Officer & Presenting Officer under Rule 20 (2) of APCS(CC&A)Rules, 1991 – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.Rt.No.127

Dated:31-03-2022

Read the following:-

- 1)Charge Memo.No.Vig.I(4)/7123/2013 of Engineer-in-Chief, PR, dt:30.10.2013.
- 2)Letter No.SA1/AEE/PIU/Panyam/PR/KNL/18,dated 11.12.2018 of the SE, PR, Kurnool along with WSD of Sri H. Sivalingappa, AEE, PR of Zone-IV, dated 04.12.2018.

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ORDER:

In the reference 1st read above, disciplinary proceedings was initiated against Sri H. Shivalingappa, AEE, PR of Zone-IV (now retired) earlier worked on deputation basis in GHMC, Hyderabad by framing charges under Rule 20 of APCS (CC&A) Rules, 1991, on allegation he has failed to report before the ENC (PR), Hyderabad and not given any requisition for his continuation to work in GHMC on deputation. In response to the charge, the Charged Officer has submitted his written statement of defences, vide their representation 2nd read above. The same were examined and found as not satisfactory.

2. Government, after examining the matter, have decided to conduct regular enquiry into the charge framed against Sri H. Shivalingappa, AEE, PR of Zone-IV (now retired) earlier worked on deputation basis in GHMC, Hyderabad, under APCS(CC&A) Rules, 1991.

3. Accordingly, Government hereby appoint the Executive Engineer, PR, (PIU) Penukonda, Ananthapur District as Inquiry Officer under Rule 20(2) of APCS (CC&A)Rules, 1991 to conduct inquiry against Sri H. Shivalingappa, AEE, PR of Zone-IV (now retired) earlier worked on deputation basis in GHMC, Hyderabad.

4. Government also hereby appoint the Deputy Executive Engineer, PR, PIU, Madakasira, Ananthapur District as Presenting Officer to present the case before the Inquiry Officer, under Rule 20(5)(c) of APCS(CC&A) Rules, 1991, on behalf of the disciplinary authority.

5. The Presenting Officer shall acquaint himself with the facts of the case and present the case before the Inquiry Officer effectively. He shall also obtain and produce documents, if any, required by the Inquiry Officer, during the course of inquiry.

6. The Inquiry Officer shall conduct inquiry strictly in terms of Rule 20 of APCS(CC&A) Rules, 1991 and submit his report as required under sub-rule 18(ii) of the above said rule. Copies of the Article of charges issued to the Delinquent Officers are herewith furnished to the Inquiry Officer as required under Rule 20(7) of APCS(CC&A) Rules, 1991.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Executive Engineer, PR, PIU, Penukonda, Ananthapur District & Inquiry Officer, through the ENC, PR, Vijayawada(we)

The Deputy Executive Engineer, PR, PIU, Madakasira, Ananthapur District & Presenting Officer, through the ENC, PR,Vijayawada(we)

Copy to:

Sri H. Shivalingappa, AEE, PR, Zone-IV (through ENC, PR, Vijayawada.

The Engineer-in-Chief, PR, Vijayawada.

SF/SC

//FORWARDED::BY ORDER//


SECTION OFFICER

Copy of
By Regd Post with Ack Due:

GOVERNMENT OF ANDHRA PRADESH
PANCHAYAT RAJ DEPARTMENT
Office of the Engineer-In-Chief, Panchayat Raj, Hyderabad

Memo No.Vig.I(4) /7123/13

dt.30.10.13

Sub: PUBLIC SERVICES – Sri H.Shivalingappa, AEE, PR, of Zone-IV now working on deputation in GHMC, Hyderabad – Continuing on deputation beyond his term without orders – initiation of disciplinary action under Rule 20 of A.P.C.S. (CC&A) Rules 1991 – Article of Charges – Issued.

1. It is proposed to hold an enquiry against Sri H.Shivalingappa, AEE, (PR) of Zone-IV and now working on deputation with GHMC, Hyderabad, is entitled for disciplinary action in accordance with the procedure laid down in Rule 20 of the A.P. Civil Services (Classification, Control and Appeal) Rules 1991.
2. The substance of imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A list of documents by which, and a list of witnesses by whom the articles of charges are proposed to be sustained are also enclosed (Annexure-II & Annexure-III).
3. Sri H.Shivalingappa, AEE, PR, of Zone-IV and now working on deputation with GHMC, Hyderabad is directed to submit within (15) days of receipt of this order, a written statement of his defence.
4. Sri H.Shivalingappa, AEE, PR, of Zone-IV and now working on deputation with GHMC, Hyderabad is informed that an enquiry will be held only in respect of those articles of charges as are not admitted. He should therefore, specifically admit or deny each article of charges.
5. Sri H.Shivalingappa, AEE, PR of Zone-IV and now working on deputation with GHMC, Hyderabad is further informed that if he does not submit his written statement of defence on or before the date specified in para (3) above, further action will be processed based on the material available.
6. Attention of Sri H.Shivalingappa, AEE, PR of Zone-IV and now working on deputation with GHMC, Hyderabad is invited to which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on is behalf from another person in respect of any matter dealt within these proceedings, it will be presumed Sri H.Shivalingappa, AEE, PR of Zone-IV and now working as AE on deputation with GHMC, Hyderabad is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Service (Conduct) Rules 1964.
7. The receipt of the memorandum should be acknowledged.

Sd/-C.V.S.Rama Murthy,
Engineer-in-Chief (PR), Hyd

To

Sri H.Shivalingappa, AEE, PR of Zone-IV and now working deputation with GHMC, Hyderabad **through The Engineer-in-Chief, GHMC, Hyderabad.**

Copy to **the Engineer-in-Chief, GHMC, Hyderabad** .(In duplicate) He is requested to serve the charge memo on the individual and return the duplicate copy with the dated acknowledgement..

Copy to the Superintending Engineer, PR, Anantapur.

//t.c.f.b.o//


SUPERINTENDENT

ANNEXURE - I**STATEMENT SHOWING THE ARTICLE OF CHARGES FRAMED AGAINST SRI H.SHIVALINGAPPA, ASSISTANT EXECUTIVE ENGINEER, NOW WORKING ON DEPUTATION WITH GHMC, HYDERABAD.****CHARGE:**

That the said Sri H.Shivalingappa, Assistant Executive Engineer, (PR) of Zone-IV, has been deputed to work in GHMC, Hyd. on deputation basis since 19-8-2010. Vide T/o Procs. No.SO-I/Z-IV/17935/04, dated.13-09-2012 withdrawn his services and directed to report before the ENC (PR) Hyd. But he has failed to report before the ENC (PR) Hyd., and not given any requisition for his continuation to work in GHMC on deputation.

BASIS:

Sri H.Shivalingappa, AEE, (PR) of Zone-IV, Working on deputation with GHMC, Hyd. on deputation basis since 19-8-2010 till to date. Vide T/o Porce. No.SO-I/Z-IV/17935/04, dt.13-9-2012 withdrawn his services and directed to report before the ENC (PR) Hyd. But he has failed to report before the ENC (PR) and not given any requisition for his continuation to work in GHMC on deputation.

Govt. in Memo. No.9871-A/236/FR.II/2007, dated.16-05-2007 of Finance (FR.II) Department have requested to review the cases of deputations periodically before completion of initial period of one year and extended upto three years or five years as the case may be and should take prompt action for their repatriation on completion of initial/extended period of deputation.

That, Sri H.Shivalingappa, AEE, PR of Zone-IV has disobeyed the orders of Higher Authority deliberately and continued on deputation without obtaining prior permission from the Competent/Higher Authorities which is violation of APCS (Conduct) Rules, 1964.

Hence the charge.

Sd/-C.V.S.Rama Murthy
Engineer-in-Chief,PR,Hyd.

//t.c.f.b.o.//


SUPERINTENDENT

ANNEXURE - II**LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGES IS PROPOSED TO BE SUSTAINED AGAINST SRI H.SHIVALINGAPPA ASSISTANT EXECUTIVE ENGINEER, PR, OF ZONE-IV WORKING ON DEPUTATION WITH GHMC, HYDERABAD.**

- 1) T/o. Procs. No.SO-I/Zone-IV/6097/2010, dt11-08-2010.
- 2) T/o.Procs. No.SO-I/Z-IV/17935/04, dt.13-09-2012.

Sd/-C.V.S.Rama Murthy,
Engineer-in-Chief,PR,Hyd.

//t.c.f.b.o.//


SUPERINTENDENT

ANNEXURE - III**LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGES IS PROPOSED TO BE SUSTAINED AGAINST SRI H.SHIVALINGAPPA, ASSISTANT EXECUTIVE ENGINEER, PR, WORKING ON DEPUTATION WITH GHMC, HYDERABAD.**

---NIL---

Sd/-C.V.S.Rama Murthy,
Engineer-in-Chief,PR,Hyd.

//t.c.f.b.o.//


SUPERINTENDENT

The Engineer-in-Chief,
Panchayat Raj,
Vijayawada.

(Through Proper Channal)

Sub : PS - Sri H. Shivalingappa, AEE PR of Zone - IV working on deputation in GHMC Hyderabad - Continuing on deputation beyond the period - Article of charges issued - Written Statement of Defense - submitted - Regarding.

Ref :- 1. Memo.No.Vig.1(4)/7123, dt. 30.10.13 of ENC, PR, Hyderabad.
2. Procs.No.Ser.1V(3)/15625/00 dated 09.07.2018 of the Engineer - in - Chief, PR Vijayawada.

I, Sri H. Shivalingappa, AEE PR of Zone - IV working on deputation in GHMC, Hyderabad submit the following few lines for your kind consideration and further action.

In the reference cited (1) charges has been initiated against me for not reporting before the Engineer-in-Chief, PR, Hyderabad on completion of deputation period.

I totally denying the charge since as per the orders of the Engineer-in-Chief, PR, Hyderabad, I have joined at GHMC, Hyderabad on deputation basis. After completion of one year deputation period, I have requested the GHMC, Hyderabad to forward my application to continue on deputation beyond initially period of one year. I am unaware, the GHMC has forwarded my willingness to the parent department.

Further I submit that the orders issued by the Engineer-in-Chief, PR, Hyderabad in Procs, No.SO.I/Z-IV/17935/04, dt.13.09.12 withdrawn my services and directed to report before the ENC (PR) Hyderabad was not communicated by the GHMC, Hyderabad.

In addition to the above, further I submit that in procs. No.64570/ENC/ GHMC/12, dt.06.03.12 the Engineer-in-Chief, GHMC, Hyderabad has issued orders repatriating certain AEs/ AEEs including me. But not relieved from GHMC

Aggrieved the orders, along with others, I have approached the Hon'ble Tribunal, Hyderabad in OA No.2275/2012 and Hon'ble Tribunal issued interim stay orders. As per the directions of the Hon'ble Tribunal, I am continuing in GHMC Hence, there is no fault on me initiated against for not reporting in the Department.

Further I submit that I request (Representation) to the Chief Engineer (Housing and Administration) GHMC Hyderabad for repatriate to my parent Department, and orders are issued on dated 28-06-2018 and relieved from GHMC on dated 04-07-2018.

Accordingly after relieved from GHMC I am joining report submitted to the Engineer-in-Chief PR Vijayawada on dated 05-07-2018. Then the Engineer-in- Chief PR Vijayawada has place posting orders are issued 09-07-2018 vide procs.No.ser.IV(3)/15625/00 dated 09.07.2018, and allotted to SE PR Kurnool and joining report submitted on dated 10-07-2018. PR (PIU) sub-division Panyam in kurnool District.

I therefore humble request the Engineer-in-chief, PR, Hyderabad to kindly examine my application on humanitarian grounds and drop furtheration.

For which act of kindness, I am very much thankful to you sir,

Yours faithfully

H. Shivalingappa
(H. SHIVALINGAPPA)

Assistant Executive Engineer
PR,PIU Sub-Division, Panyam
Kurnool Dist.

Submitted to the Executive Engineer PR PIU Kurnool
for favour of taking further necessary action.
DEE/PR PIU PANYAM
05/12/18